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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JOHN C. TAYLOR,

12 Plaintiff,

13 vs.

14 NATIONWIDE CREDIT INC.,

15 Defendant.
16

CASE NO. 11 CV 1472 MMA (BGS)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE FOR
FAILURE TO PROSECUTE**

17 On July 5, 2011, Plaintiff John C. Taylor filed the pending action against Defendant
18 Nationwide Credit Inc., alleging violations of the Fair Debt Collection Practices Act and
19 California's Rosenthal Fair Debt Collection Practices Act. [Doc. No. 1.] Defendant answered on
20 October 12, 2011. [Doc. No. 4.] Thereafter, Plaintiff repeatedly failed to appear before the
21 Magistrate Judge to participate in a court-ordered Early Neutral Evaluation.

22 On November 14, 2011, Krohn & Moss, Ltd. filed a motion to withdraw as Plaintiff's
23 counsel of record, citing irreconcilable differences. [Doc. No. 7.] The Court granted the firm's
24 motion on December 9, and granted Mr. Taylor 30 days to (i) retain new counsel and have his new
25 counsel file a notice of appearance with the Court, or (ii) file a notice of intent to proceed pro se.
26 [Doc. No. 15.] To date, Mr. Taylor has done neither.

27 Mr. Taylor's time to inform the Court whether he desires to pursue this action has expired.
28 In its December 9 Order, the Court cautioned Mr. Taylor that if he did not demonstrate a desire to

1 pursue his claims within the time permitted, the Court may dismiss his action without further notice.
2 [*Id.*] Although public policy generally favors disposition of cases on their merits, a case cannot
3 move forward toward resolution on the merits when the plaintiff's conduct impedes or completely
4 prevents progress in that direction. *See, e.g., Hernandez v. City of El Monte*, 138 F.3d 393, 399
5 (9th Cir. 1998); *In re Eisen*, 31 F.3d 1447, 1454 (9th Cir. 1994).

6 Accordingly, upon due consideration, and given the procedural posture of this case, the
7 Court hereby **DISMISSES** the above-captioned action **WITHOUT PREJUDICE**. The Clerk of
8 Court is instructed to close the case file.

9 **IT IS SO ORDERED.**

10 DATED: February 13, 2012



Hon. Michael M. Anello
United States District Judge